

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. 4:07-CR-00076-
	§	ALM-AGD
TONY EDWARD FLATT (3)	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Now before the court is the request for revocation of Defendant Tony Edward Flatt's ("Defendant") supervised release. After the District Judge referred the matter to this court for a report and recommendation, the court conducted a hearing on August 13, 2025, to determine whether Defendant violated his supervised release. Defendant was represented by Douglas Schopmeyer. The Government was represented by Christopher Rapp.

Defendant was sentenced on November 21, 2008, before The Honorable Richard A. Schell of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Possess with Intent to Manufacture and Distribute Methamphetamine, a Class B felony. This offense carried a statutory minimum imprisonment term of 5 years, and a maximum imprisonment term of 40 years. The guideline imprisonment range, based on a total offense level of 31 and a criminal history category of VI, was 188 to 235 months. Due to a binding plea agreement, Defendant was subsequently sentenced to 76 months imprisonment followed by a 5-year term of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure, mental health treatment, substance abuse testing and treatment, and a \$100 special assessment. On September 30, 2014, Defendant completed his period of imprisonment and began service of the supervision term. On March 22, 2024, this case was reassigned to The Honorable Amos L. Mazzant, III, Chief U.S. District Judge.

On August 11, 2025, the United States Probation Officer executed a First Amended Petition for Warrant or Summons for Offender Under Supervision (Dkt. #770, Sealed). The First Amended Petition asserts that Defendant violated five (5) conditions of supervision, as follows: (1) Mandatory Condition Defendant shall not commit another federal, state, or local crime; (2) Mandatory Condition Defendant shall not unlawfully possess a controlled substance; (3) Standard Condition Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (4) Mandatory Condition Defendant shall refrain from any unlawful use of a controlled substance; and (5) Standard Condition Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician. (Dkt. #770 at pp. 1–2, Sealed).

The First Amended Petition alleges that Defendant committed the following acts: (1)–(3) On February 22, 2016, Defendant was arrested by the Paris, Texas, Police Department and charged with the Second Degree Felony offenses of Count 1: Possession with Intent to Deliver a Controlled Substance, Namely: Methamphetamine of More than One Gram But Less than Four Grams, Habitual Offender; Count 2: Possession with Intent to Deliver a Controlled Substance, a Compound of Indazole, Amino Oxobutane, and Carboxamide of Less than One Gram, Habitual Offender; and Count 3: Possession with Intent to Deliver a Controlled Substance, Hydrocodone of Less than Twenty-eight Grams, Habitual Offender. Defendant was subsequently indicted on all three charges in the 6th District Court of Lamar County, Texas, under Case No. 26675. On May 25, 2016, Defendant was sentenced as follows: Count 1: 30 years imprisonment; Count 2: 20 years imprisonment; Count 3: 20 years imprisonment, with all Counts to run concurrently. On March

10, 2016, Defendant was also charged with Class B misdemeanor charges of Possession of Marijuana Under Two Ounces, in Lamar County, Texas, under Case No. 63969, and subsequently sentenced to 20 days imprisonment. On July 11, 2025, Defendant was paroled and held on a federal detainer to face the current revocation proceedings; and (4)–(5) On September 9, 2015; September 30, 2015; and October 8, 2015, Defendant submitted urine specimens that tested positive for methamphetamine. On all of the aforementioned occasions, Defendant either admitted usage and/or the specimens were confirmed positive by Alere Toxicology, Inc. On January 19, 2016, Defendant reported to the U.S. Probation Office and admitted verbally and in writing to using methamphetamine, marijuana, and opiates (Lortab), on January 18, 2016. (Dkt. #770 at pp. 1–2, Sealed).

Prior to the Government putting on its case at the final revocation hearing, Defendant entered a plea of true to allegations 1–5 in the First Amended Petition. Having considered the First Amended Petition and the plea of true to allegations 1–5, the court finds that Defendant did violate his conditions of supervised release.

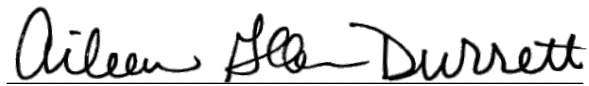
Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this court.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, the court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for an additional term of thirty-three (33) months, to run concurrently with any Lamar County convictions, with no term of supervised release to follow.

**IT IS SO ORDERED.**

**SIGNED this 18th day of August, 2025.**

A handwritten signature in black ink, reading "Aileen Goldman Durrett". The signature is written in a cursive, flowing style. The first name "Aileen" is written in a larger, more prominent script, followed by "Goldman" and "Durrett". The signature is positioned above a horizontal line.

AILEEN GOLDMAN DURRETT  
UNITED STATES MAGISTRATE JUDGE